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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.35419 of 2024
Date of Decision: 25.09.2024

Vinod @ Ankit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Grover, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
31	19.01.2024	Ballabhgarh Sadar, District Faridabad	365, 368 and 120-B of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on 19.01.2024 on the basis of a written complaint filed by the complainant Arun Kumar alleging therein that his daughter "P" (name withheld) who was 17 years 10 months old, had gone missing from his house on the previous night. He raised suspicion that she had been kidnapped by someone and made prayer for tracing her. After registration of FIR, investigation proceedings were

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initiated. During investigation, it was revealed that the complainant had previously got registered a case bearing FIR No.355 of 2023 under Sections 8 and 10 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”) at Police Station Sadar Ballabhgarh against one Harichand @ Harry who is real brother of the present petitioner. The said Harichand could not be apprehended and was avoiding his arrest. The investigation further revealed that the abovesaid Harichand had kidnapped the daughter of the complainant. The mobile phone of the accused Harichand @ Harry was kept under surveillance and on obtaining call detail record, it was revealed that on the night previous to the date of occurrence, there were exchanges of phone calls between the present petitioner and the co-accused Harichand. The accused Harichand was also found to be in contact with co-accused Nitin. The petitioner was apprehended. He was interrogated and suffered disclosure statement admitting his active involvement in the offence thereby disclosing that he had conspired with his brother to kidnap the daughter of the complainant and that the victim had been kept hidden in the fields of his village. However, neither the victim nor the co-accused could be traced till date. Investigation is still underway. The prayer made by the petitioner for grant of bail had been declined by the Court of learned Additional Sessions Judge, Faridabad vide order dated 24.06.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to his being brother of the accused Harichand @ Harry who had allegedly kidnapped the daughter of the

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complainant. He is in custody since 30.01.2024. He has no direct or indirect role to play in commission of the subject offences. He has a permanent abode. There are no chances of his absconding. He has no knowledge about the whereabouts of the victim. His detention would not serve any purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State and in terms thereof, it is argued by learned State counsel that there are serious and specific allegations against the petitioner who played an active role in kidnapping of the daughter of the complainant by the co-accused Harichand @ Harry who is his real brother. The victim has not been recovered so far. There are chances of petitioner's absconding or tampering with the evidence or influencing the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to have entered into a criminal conspiracy with the co-accused Harichand @ Harry and in pursuance thereof, the daughter of the complainant had been abducted and kidnapped and has still has not been recovered. The petitioner, however, is in custody since 30.01.2024. His custodial interrogation is no more required. The investigation and trial are likely to take time. No useful purpose would be served by detaining him in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the discussion as made above but without meaning to make any comment on the

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merits of the case, it is held that the petitioner is entitled to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

25.09.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No